

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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|---------------------------|---|--------------------|
| UNITED STATES OF AMERICA, | § | |
| | § | |
| v. | § | No. 3:20-CR-0575-X |
| | § | |
| JONATHAN DEAN DAVIS | § | |

MEMORANDUM OPINION AND ORDER

The parties are right. The Court did resurrect Lazarus. The United States filed a Second Motion in Limine [Doc. No. 69], as did the Defendant [Doc. No. 81]. The Court denied both motions as untimely [Doc. No. 105]. The Defendant and the United States each filed a Motion to Reconsider the denial [Doc. Nos. 106, 110], arguing the motions were timely. The Court finds those motions to reconsider to be persuasive, **GRANTS** them [Doc. Nos. 106, 110], and now **WITHDRAWS** the previous order [Doc. No. 105] and considers the merits of those second motions in limine. After consideration, the Court **DENIES** both motions in limine [Doc. Nos. 69, 81].

Discussion

The Court's scheduling order included motions in limine under the amended "pretrial materials" deadline. So the Court did in fact revive that deadline, deeming the subsequent motions in limine timely.

Turning to the merits of the second motions in limine, the record is insufficiently developed for the Court to fully evaluate and rule on the admissibility

of the limine issues presented by each motion at this juncture. Accordingly, the Court **DENIES** both motions.

The Court is, however, concerned by certain categories of evidence identified in the Defendant's motion, namely limine issues A, B, C,¹ E, and J.6.e.² The Government should signal its intent at trial to introduce evidence, testimony, or arguments related to these issues to allow for objection and evaluation before introduction.

IT IS SO ORDERED this 26th day of March, 2021.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

¹ Issues A, B, and C generally involve evidence of third-party actions or statements being attributed to the Defendant.

² Specifically, evidence of payments received from the Department of Veterans Affairs for the purpose of proving money laundering.